



PATENT  
Attorney Docket No.: 53470.003060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/726,624 Confirmation No.: 5743  
Applicant : Ali Alavi  
Filed : 12/04/2003  
Title : HTML/DHTML Web Interface System and Method  
TC/Art Unit : 2165  
Examiner: : Yicun Wu  
  
Docket No. : 53470.003060  
Customer No. : 21967

**Mail Stop: AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR PRE-APPEAL BRIEF CONFERENCE**

Pursuant to the Pre-Appeal Brief Conference Pilot Program announced in the Official Gazette, Applicants hereby request a pre-appeal brief conference in the above-referenced case.

This application is appropriate for a pre-appeal brief conference. A brief history of this application and why applicants believe that an appeal will succeed are set forth below. This application is a continuation of an application originally filed on June 20, 2001. The present application contains the claims that were originally presented in the parent application that were rejected. Those claims were rejected once in the parent application and now twice in the above-referenced application based on a proposed combination of two references. To date, a prima facie case of obviousness has yet to be set forth. Accordingly, rather than proceeding with an expensive appeal, applicants respectfully request that the Office either refine its position or indicate its intention to allow an appeal to proceed.

On the merits, Claims 1-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,668,253 to Thompson et al. ("Thompson") in view of U.S. Patent No. 6,748,569 to Brooke et al. ("Brooke"). That rejection is flawed for at least two reasons.

First, neither reference discloses "navigation tools" that are "located on [a] web server." The Office Action asserts that the "navigation tools" are taught by Figure 2 of Thompson. Figure 2 shows an exemplary structure of the Thompson user interface, showing what appears to be an Internet Explorer browser screen comprising "user tasks and report list" text, a "search" icon, a "guide me" icon, and enterprise information management buttons. Nothing about Figure 2's content or description teaches tools that are "located on [a] web server." Rather, Figure 2 and its corresponding description in the specification are silent in regard to the "location" of any tools.

Elsewhere in the specification, Thompson discloses the following in regard to "software location":

The EIM application runs on personal computers (PCs) with Windows95.TM., Windows98.TM., or Windows NT.TM. operating systems. The application functionality is delivered through the PC's web browser. The only web browser that EIM supports in one preferred embodiment is Microsoft's Internet Explorer version 4.01 or greater. Generally, EIM's present embodiments operate on browsers with support for ActiveX controls and Visual Basic Scripting.

The report and graph viewing capabilities is delivered with the aid of the "DSS Graph" and "DSS Grid" ActiveX controls that are delivered with MicroStrategy's product set. In addition, the report creation and auto-prompting wizards are written as Java.TM. applets, provided by MicroStrategy. The remaining application functionality delivered by EIM is preferably through Dynamic HTML pages.

Thompson, col. 30, lines 44-58.

Neither the cited passage nor Figure 2 explicitly disclose “navigation tools” that are “located on [a] web server” as recited by the claims. Nor is this recitation inherently disclosed, because it is not typical for navigation tools to be stored on a web server in this context.

Second, although the Office Action acknowledges that Thompson fails to disclose internationalization tools on the web server, it alleges that such tools are disclosed by Brooke. In alleging that it would have been obvious to modify Thompson in view of Brooke, however, the Office states that it would be obvious to do so to “improve flexibility.” The Office fails to identify where in Brooke that such a teaching is made and moreover, that teaching still fails to inform one of ordinary skill in the art to locate the internationalization tools at the web server, which is contrary to the placement of such tools in this context. The Office never addresses the location issue and thus, have failed to provide a prima facie case of obviousness.

Thus, an appeal on that basis will certainly succeed, but the time and expense in preparing an appeal brief on that issue should not be borne by MicroStrategy when the grounds is so clearly improper.

Respectfully submitted,



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Brian M. Buroker  
Registration No. 39,125

Hunton & Williams LLP  
1900 K Street, NW  
Washington, D.C. 20006-1109  
(202) 955-1500

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